

**UNITED STATES DISTRICT COURT
District of Maine**

RICHARD KINNEY,)	Docket No. 1:21-cv-00093-LEW
Plaintiff)	
)	
v.)	
)	
AROOSTOOK COUNTY JAIL, MED)	
STAFF, NURSE ALISON OUELETTE, and)	
C/O THORN,)	
Defendants)	
)	

**ANSWER AND AFFIRMATIVE DEFENSES OF DEFENDANTS AROOSTOOK
COUNTY JAIL AND OFFICER THORN**

NOW COME Aroostook County Jail and Officer Thorn, by and through undersigned counsel, and hereby respond to the allegations contained in Plaintiff's Complaint as follows:

AFFIRMATIVE DEFENSES

- A. Plaintiff's Complaint fails to state a cause of action upon which relief may be granted.
- B. Plaintiff has not suffered any compensable damages resulting from the claims alleged in Plaintiff's Complaint.
- C. Plaintiff's damages, if any, were directly and proximately caused by the acts and/or omissions of an individual and/or entity other than these Defendants.
- D. Plaintiff's damages, if any, were directly and proximately caused by a legally sufficient superseding/intervening cause.
- E. Plaintiff has failed to mitigate his damages as required by law.
- F. These Defendants are entitled to qualified immunity.

G. Plaintiff's claims are barred by provisions of the Prison Litigation Reform Act, including but not limited to 42 U.S.C. § 1997e(a) and/or 42 U.S.C. § 1997e(e).

H. Defendants are entitled to all immunities available under the Maine Tort Claims Act.

I. The Aroostook County Jail is not an entity that can be sued.

ANSWER

1. Defendants Aroostook County Jail and Officer Thorn deny each and every averment set forth in Plaintiff's Complaint.¹

WHEREFORE, these Defendants pray for judgment in their favor against Plaintiff, plus costs, interest, and attorneys fees.

Dated: April 30,2021

/s/ Peter T. Marchesi
Peter T. Marchesi, Esq.

/s/ Cassandra S. Shaffer
Cassandra S. Shaffer, Esq.

Wheeler & Arey, P.A.
Attorneys for Defendants Aroostook County
Jail and Officer Thorn
27 Temple Street
Waterville, ME 04901

¹In that Plaintiff's Complaint does not contain numbered paragraphs, Defendants can only provide a general denial.

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CERTIFICATE OF SERVICE

I, Peter T. Marchesi, hereby certify that:

- Answer and Affirmative Defenses of Defendants Aroostook County Jail and Officer Thorn

has been served this day on Plaintiff by filing with the Clerk of Court using the CM/ECF system which will send notification of such filing(s) to the following:

None

Copies of the above documents have been provided to the Plaintiff via United States Mail, postage prepaid, at the following address:

Richard Kinney
Washington County Jail
83 Court Street
Machias, ME 04654

Dated: April 30, 2021

/s/ Peter T. Marchesi
Peter T. Marchesi, Esq.
Wheeler & Arey, P.A.
Attorneys for Defendants Aroostook County
Jail and Officer Thorn
27 Temple Street
Waterville, ME 04901